

W

REPORT

OF THE

MINORITY OF THE COMMITTEE

UPON THE

PETITIONS OF JOHN T. HILTON AND OTHERS, COLORED CITIZENS OF BOSTON,
PRAYING FOR THE ABOLITION OF THE SMITH SCHOOL, AND THAT
COLORED CHILDREN MAY BE PERMITTED TO ATTEND THE
OTHER SCHOOLS OF THE CITY.

SUBMITTED BY CHARLES THEO. RUSSELL,
At a meeting of the School Committee of Boston, holden August 29th, 1849.

PRINTED BY ORDER OF THE SCHOOL COMMITTEE.

BOSTON:
1849.
J. H. EASTBURN.....CITY PRINTER.

REPORT.

THE Undersigned regrets that he has been unable to acquiesce in the conclusions of his colleagues, upon the Committee, to whom was referred the petition of John T. Hilton and others, and respectfully asks leave to submit the following statement of his views.

Two classes of petitions were referred to the Committee, the one being those of John T. Hilton and others, a Committee of the colored citizens; of Jonas W. Clark and two hundred and one others, colored persons, and of Robert E. Davis and thirty-seven others, colored children, all praying for the abolition of the Smith School, and the admission of the colored children to all the common schools of the City: the other being those of Joseph Russell and thirty-three others, and the Rev. James Simmons and others, praying that a colored teacher may be appointed for the Smith School. None of the petitioners in terms, asked to have the Smith School continued, although the two last named petitions went of course, upon the basis that it was to be continued. Several of the petitioners appeared before the Committee, and stated, and advocated, with no little zeal and ability, their respective views. Hilton and others, appeared personally and by counsel. All the petitioners, if the Undersigned comprehends their views, claimed it as a right, that their children should be admitted, with the whites, to all the Schools of the City, but they differed as to the propriety and utility of

asserting that right. The Undersigned was satisfied from the petitions, and the facts developed at the hearing, that a very large majority of the colored people of Boston, desire the abolition of the Smith School, and the instruction of their children, like other children, in the common public schools.

They claim this as a right, and they assert it as a necessity. They demand it as justice, and maintain that what is just is expedient, independent of its justice. They claim that we have no moral or legal right to exclude their children from our public grammar and other schools, and compel them to go to a school kept exclusively for them, and they further deny that we have any right to maintain such exclusive school. These claims seem to me, in the main, well founded, and I am disposed at once to recognize them.

The subject naturally divides itself into two parts, connected and dependent, but yet distinct. The first question is, have we a right to exclude the colored children from our common public schools? The second is, have we a right to maintain exclusive schools for their benefit?

In answer to the first question, the Undersigned believes that we have no moral or legal right to exclude the colored children from the ordinary public schools of the City. If this be true, the expediency of the matter is of little consequence, except as an element to settle the moral and legal right. This latter once settled against the exclusion, there the question ends.

The Undersigned is led to this conclusion by considerations, founded in the origin, the nature, and the design of our system of public education. It is believed that the right claimed by those who would exclude the blacks, cannot be maintained, consistently, without eradicating the vital principle, upon which our *common*

public schools rest. To see if this be so, let us recur a moment to some obvious and almost trite principles respecting these schools. They originated with our Puritan fathers, and from their day to this, have been fostered and cherished in the public law, and the public sentiment. Their great distinctive feature has been and is, that they are supported by, designed for, and open to the whole public equally. Every citizen must, according to his means, contribute to their support. Every citizen has an equal voice in their establishment, maintenance, and control. Every man and woman in the Commonwealth, is equally eligible to become their teachers. The children of the rich and the poor, the strong and the weak, the influential and the obscure, after they pass the wide open door of these schools, stand upon a common level, in the presence of the Great Father of them all. Their design seems to be, and their whole influence is, practically to teach the great theoretical principle of our government, that "all men are born free and equal." Nowhere, out of the church of God, is this great doctrine more perfectly recognized than in our common schools. These highways of knowledge, like the highways of communication, are established and maintained by all, and of course for all, and to be restricted in their use by no regulations, save those that apply to all. Equality is the vital principle of the system. Destroy this in the free schools, and you not only destroy these schools, but the government which rests upon them, as one of its main supports. No matter how few are to be favorably or unfavorably affected by the particular manner, in which you war against this principle of equality in a given case, the general result must be pernicious, and only pernicious. It is war upon the *common public* school system.

Now what is the result of this principle of equality ?

Why, that no child in the Commonwealth can have any superior right over any other child to participate in the benefits of the common school. Nor has any class of children the right to different and separate schools, from any other class of similar age and general character. Religious differences may not intrude into the common schools. The catholics are not allowed one exclusive school, and the protestants another. The same is true of the sub-divisions of protestants. Religious faith is no ground of distinction in these schools. Political differences are barred out from their doors. Political opinion, though like religion, deeply affected by education, is no ground of division, or exclusion in the school. Social condition and standing create no distinctions here. The rich and the poor must sit upon the same form, yield to the same discipline, and participate equally in the struggle for the same honors. Birth and origin are as impotent as social condition and standing. The child of the foreigner, and the native citizen, may equally share in this common blessing. Although the unnaturalized foreigner, can neither hold office, nor land, among us, and has no voice in our government, still his children are, and should be, entitled to all the privileges of our common schools.

Upon what principle then may the colored citizen be excluded from these schools? It must be upon some distinction, recognized by the laws of God and man, stronger than the distinctions of birth and origin, of religious or political faith, of wealth or poverty, of social condition and standing. It must be upon a distinction founded in the constitution and the laws. This much will, and must be conceded. It is certainly inequitable and unjust to make a distinction out of less than that which it is admitted does and should make none. It is as clearly illegal to make distinctions, in-

jurious and oppressive to a class, out of any thing not recognized by the Constitution and Laws of the State. If then the colored child may be excluded from the schools, it must be upon some legal distinction, superior to any of the distinctions here named.

What is this distinctive mark? *color*, and *color* alone. Passing over the question of the degree of color necessary to create the distinction, and the difficulty of settling this; waiving the consideration of the inquiry whether color creates a moral distinction, affecting the right to be instructed, in children of a common Father, and descended from a common ancestor, it is enough for us to ask whether the laws of this Commonwealth recognize a distinction so founded. We find no warrant for it. There is not a colored citizen of the Commonwealth, who is not as eligible to the office of Governor, or any subordinate civil office, as the present chief magistrate. There is not a colored citizen in the State, who may not be elected, if the people choose to elect him, to the places we fill at this Board. There is not one who may not be elected, if we choose to elect him, to the mastership of any public school in the City. There is not one who is not as clearly entitled to admission to the bar, upon the requisite qualifications, as the Chief Justice of the Court to which he applies. There is not one who is not as eligible to any civil office in the gift of the appointing power of the State, as any white citizen. In point of fact, two or three colored men have been admitted, and are practising law at the Suffolk bar. Some or all of them hold commissions as Justices of the Peace.

The colored citizen has no exemption from taxation. He is entitled equally with the white to vote at the polls. He is thus called upon to discharge the duties and share in the honors of the citizen. Hence he

would seem to be entitled to enjoy equally all the public means provided to qualify him for such duties, and enable him to attain to such distinctions. In all the honors and pursuits of life, in this Commonwealth, in the sovereignty itself, the black man shares equally with the white. With what pretence, then, can it be urged that he may be excluded from the schools, on account of his color? In Massachusetts at least, *in law*, the complexion gives no rights, and creates no disabilities.

I know that it has been officially said that color is not the ground of distinction, but only the badge, which marks a deeper cause. It is said the distinction is "one of races, not of color merely. The distinction is one which the all wise Creator has seen fit to establish; and it is founded deep in the mental, physical and moral natures of the two races. No legislation, no social customs, can efface it." Into the discussion of this question, I have neither time, nor inclination, to enter at large. It is enough for my present purpose, that the distinction, however "deep in the physical, mental, and moral natures of the two races," has no place in the constitution and laws of the Commonwealth. I may remark, however, that this distinction so "deep" "in the natures" of the races, will, if well established, carry us much beyond the schools. If it "renders a promiscuous intermingling in the public school disadvantageous," may it not be equally pernicious in the affairs of life, at the polls, and in the performance of labor. If it be well founded, should the black man be entitled to vote? Should he be eligible to civil office? Should he be called upon for taxes? Should he be allowed to mingle in the pursuits of life? Should he be permitted any place in society but that of a bond-man, and protege of the stronger and superior race? These questions may well lead us to careful inquiry, before we admit at

least, the "*depth*" of this "physical, moral, and mental" distinction.

I have now stated some of the conclusions which lead me to believe that we have no right to exclude the colored children from our public schools. If my position is right, then it would seem to follow that if we cannot exclude the blacks from the schools of the whites, neither can we exclude the whites from the schools of the blacks, or in other words, maintain exclusive schools for the latter, or for either race. The same reasons apply against each. Practically, however, this is a matter of less consequence than the former, as the great burden of the petitioners' complaint, is their exclusion from the other schools of the City, and not the maintenance of the Smith school.

I am aware that it is urged that the colored children are not excluded from the schools, but merely the subjects of a general regulation for their good, which obliges them all to go to one school, equal in its appointments to any in the City, and maintained exclusively for them. That this is not a *total* exclusion I admit. But that it is a virtual denial of *equal* privileges in our common schools is certain. The colored people, more or less of them, reside in all parts of the City. According to the best information the Committee could obtain, some reside in ward 11, some in ward 1, some at South Boston, and some at East Boston. Now is it allowing just and equal privileges to these persons, to compel them to send their children to Belknap street to school? There can be but one answer to this question. The Committee were informed of one case at East Boston, where a colored man sends three children to the Smith school, all of whom are obliged to cross the ferry four times a day, at an expense probably quite equal to the expense of a private school.

But the injustice does not stop here. If it is right to prevent the "promiscuous intermingling" of the colored children in the Grammar schools, it is equally right to exclude them from the Latin and the English High schools, and from the academies and colleges of the land. And as there are not a sufficient number of free colored persons to support either separate Latin or High schools, or academies, or colleges, this exclusion would be a virtual denial of all academic or collegiate education to them.

Again, if it be right to exclude them from the schools of this City, it is equally just to exclude them from the schools in the smaller cities and towns of the State. Why should these last be subject to the evils of a "promiscuous intermingling," more than we? And here, again, as the colored people are not sufficiently numerous to sustain separate schools, they would be altogether denied access to the common schools. This must be the result of the exclusive principle, and is the direct end to which our example and influence tend.

There is another consideration, which has no little influence with the Undersigned. The exclusion of the colored people from the schools, has undoubtedly proceeded from prejudices, growing out of their oppressed and enslaved condition. Its effect also, has been to foster the opinion that they are an inferior and degraded race, incapable of any thing, but to do the drudgeries of life, under the instigation of the lash. From this opinion, human slavery draws its most specious argument. And the free and philanthropic North, are cited to prove the opinion well founded. Every mark of degradation put upon the blacks here, is cited elsewhere in support of slavery, and contributes to sustain it. And so desirable is it forever to destroy that system of iniquity and oppression, that I should deem it some re-

demption of error, even, if it leaned against it. But when this consideration is combined with those of justice and equity, and all tend to the same conclusion, it becomes irresistibly strong.

I have endeavored to treat this as a question of legal right and equity alone. As a social question, it must be left, like all other social questions, to be settled by social laws, social tastes, and social circles. I do not believe any practical inconvenience will be experienced from the distribution of the colored children, in the schools of the City. Such has not been the result in other cities and towns of the State. Nowhere in the Commonwealth, save in Boston, and perhaps Nantucket, are they excluded. In Salem, where I am told the colored people are nearly as numerous as here, their children attend school with the white children. So in New Bedford and Lowell, and as I am informed by the Mayors of those cities, without inconvenience or difficulty. The same is true of Worcester, Cambridge, Roxbury, and Charlestown, and of all the towns of the State, in very many of which there are more or less colored people. Several colored men have been educated at our highest academies and colleges. One or more have graduated at Bowdoin College. One is an applicant for the mastership of the Smith school, who graduated from Dartmouth College. One graduated with high honors at the recent commencement at Middlebury, Vermont. It is presumed that a black man, properly qualified, would not now be denied admission to any Northern college. Dr. Smith, an eminent colored physician at New York, was educated in Edinburgh. Of the gentlemen who appeared before the Committee, one was educated at Leicester Academy, and one at Phillips Academy, Andover, and as the latter stated, without the slightest objection to his color by either teachers or pupils.

These instances might be greatly multiplied, but those I have stated, are sufficient to show that no evil need be apprehended from the admission of colored children to the schools.

In view of these considerations, hastily stated, in the pressure of other engagements, the Undersigned recommends, that, if there be any restrictions, preventing the colored children from attending the schools in their respective districts, they be rescinded.

In reference to the Smith school, it is supported in part by the income of the legacy of Mr. Smith, but mainly by appropriations from the City. By the will of Mr. Smith, his legacy is upon the trust that the whole income shall be appropriated to the maintenance and support of a school, or schools "for the instruction of the people of color, meaning Africans and their descendants, either clear or mixed, in reading, writing, and arithmetic, in such place, places, and manner as" the Selectmen of Boston should deem best. It is further provided in the will, that "if said Selectmen shall, and do accept the donation within one year," after the testator's decease "for said purposes," the executors shall transfer the property bequeathed. The Selectmen did accept the donation, and the City now holds the property upon the trusts specified. They cannot now legally or morally refuse to execute these trusts. These cannot, perhaps, be better executed, than by the continuance of the Smith school, for such of the colored children as choose to go there. It may, however, be worth the inquiry at some time, whether the purposes of the donor may not be as well carried out by making this a school so far as Mr. Smith's legacy supports it, for adult colored persons, who come here from year to year from the South and elsewhere, uneducated, and needing such facilities. For the present, the

Undersigned would recommend that the Smith school, be continued for such of the black children as may desire to attend it, and that at the same time, such of them as choose, be permitted to attend the other schools.

All of which is respectfully submitted.

CHARLES THEO. RUSSELL.

Boston, Aug. 29th, 1849.

